WAS IT STOLEN?

John Murphy, a Booster, on Trial for Embezzling Money From His Employer.

QUESTION OF LAW.

Interesting Developments in How Games of Chance are Said to be Run in Helena for

Revenue.

A peculiar case is on trial in Justice Fleischer's court. The evidence is all in, and the arguments will be heard this morning. John Murphy is accused of robbing his employers, Thomas and Martin Crahan, of \$104. Murphy claims that he won the money at one of the innumerable games run at Crahan's saloon and licensed gambling house on Man street. Murphy is familiarly known as a booster for a gambling house, and his conviction or acquittal will have a great deal to do with the booster of the future, whether under the law he will be permitted to win at games and keep the money for himself or whether if he do anything of the kind he is liable to arrest and imprisonment for larceny. The case is a peculiar one and involves a good many law points, whatever may be the opinion of outsiders, so its decision will be looked for with interest.

will be looked for with interest.

According to the evidence of the Messrs.
Crahan, who are represented by Attorneys Wallace and Balilet, Murphy was formerly in their employ. Thomas Crahan testified that Murphy was an employe and that his duties were to play at games when interest in them was flagging, so as to keep up the interest, and that he was given money for that purpose. Whether he won or lost, he was expected to return the money of the firm when the games closed if he had not lost it, and receive for his compensation \$3 a day. This money he had always paid to Murphy. The night of Dec. 29 Murphy disappeared having in his possession \$104 belonging to the firm and that he wished to recover.

Mr. Casey Murphy's attorney, questioned Crahan closely as to the manner of game Murphy was supposed to work for. He said he ran no game but what was licensed and in the eyes of the law a legal game. The game in question was a species of short faro, but was not short faro. Crahan then explained after some legal wrangling how the game was played.

Mr. Crahan—Not that I know of. If they were marked it would be much easier

Mr. Crahan—Not that I know of. If they were marked it would be much easier

for the player to win.

Several witnesses testified to what Murphy's business was when with the Crahan's and that he won the money while in their

and that he won the money while in their employ.

Murphy took the stand in his own defense. He said he was employed as a booster and that his business was to rope in suckers. For the past two weeks he worked there he received but \$2 a night, because there was not much business being done. He said if he had roped in a \$300 sucker he would probably have received \$10 or \$15 as his share of the proceeds. The defendants description of the game was lucid enough to those who understand the games He said the cards were all marked and that it was impossible for any one to win unless it was a booster. The dealer would press his thumb down in the aperture in the middle of the box and would always hold the high card back, so as to win when nece sary.

He was asked by Mr. Wallace if there was anything wrong with the box, and replied if the attorney was to play a game against him he couldn't win till he died. On being pressed to know if there was anything wrong with the box he replied that he didn't know, but the cards were wrong, as they were marked.

Crahan produced a box and cards, but the defendant did not know how to deal. He, however, doggedly persisted in his statement that no one could win, and that it was a second the statified he

defendant did not know how to deal. He, however, doggedly persisted in his statement that no one could win, and that it was a sure-thing game. He further testified he played his own money against the game and he won the \$104 from \$1 he had in his pocket. He was often in the habit of playing against other games in the house, but that is the first time he had ever played against the game, for which he was employed to cap, with his own money.

The theory of the defense is that a man cannot embezzle money from any one if the business calling for the use of that money is not a legitimate calling. The prosecution on the other hand maintains that all gambling games in Helena that are licensed are legal and one who embezzles money from an owner of a game commits an offense the same as if he were to steal from a dry goods or grocery merchant.

a dry goods or grocery merchant.

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CONTEST IN THE COUNCIL.

Bennett Not Satisfied With the Result of the November Election.

G. A. Bennett, of Missoula, has been in the city since the legislature convened, and is awaiting the time when the president of the council shall appoint the committee on elections, which it is expected will be done to-day. When this is done Mr. Bennett proposes to present his claims before the council, and will attempt to show by evidence and witnesses that he was duly elected over Walter M. Bickford, his oppopent, in the November struggle, and believes therefore that his democratic adversary is occupying a seat in the council which he (Bennett) is entitled to. This contest recalls the time when the matter was decided in favor of Bickford, before Judge Sloan at Missoula. Bennett claims that one day the canvassing judge threw out the Trout creek returns, which gave Bennett two majority, and the following day reconsidered his action and counted the precinct in, which gave Bickford 11 majority, and upon this result the latter gentleman was declared elected. The Bonner returns were never counted, having been thrown out, where Bennett was certain he had a good majority. Another point which it is said Bennet will bring to bear, is that at Heron there was a possible 55 of these cast for his support, but when the returns came in it is alleged that the result showed 105 votes cast, there being but twenty-six for Bennett. When the republican contestant was approached by a reporter for the Independent of the had the friendliest feelings for Mr. Bickford, but in justice to the constituency which supported him, he was obliged to take some action.

Mr. Bickford was also seen. He was aware of the fact that the contest would come up, but felt perfectly confident that he would retain his seat. He realized that a republican majority in the council was against him, but as he considered them an honest, impartial body, he had no fears from that democratic adversary is occupying a in the council which

source. "I shall prove," said Mr. Bick-ford, "that I was elected by not only eleven majority, but by at least one hun

The result of this contest will be watched The result of this contest will be watched with interest. Conversation among the legislators on the subject indicates that they are generally favorable for the retention of Mr. Bickford, not only for his superiority from an intellectual standpoint, but it is feared by some that a heated controversy might develop some unpleasant information concerning the republican "secrets of the campaign."

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A MONTANA MAN PROBABLY.

A Helena Attorney a Candidate for the Chief Justiceship.

It has leaked out from unofficial sources that A. J. Davies, an attorney of Helena, is a candidate for the supreme judgeship of Montana, with a fair show of success Mr. Davies is a newcomer in Montana, having come here from Hot Springs, Ark., where he lived for a number of years. He came to Montana last spring and looked over the field. Deciding to settle in Helena, he returned for his family and removed them here last September. He then returned to Arkansas to attend a session of the supreme court and remained there the supreme court and remained there until after the national election, when he returned home. Mr. Davies stood high at the bar in Arkanas and his name appears in supreme court reports from the thirty-fourth to the fiftieth reports. In the last session of the supreme court he had thirty-two cases, twenty of which he won. He was an associate of Attorney-General Garland, and when he came to Montana bore flattering recommendations from that gentleman as to his worth and ability as a gentleman and a lawyer.

tleman as to his worth and ability as a gentleman and a lawyer.

When Mr. Davies learned that Judge McConnell had resigned he telegraphed President Cleveland his application for the position, and was endorsed by the Arkansas bar, the indorsement having been forwarded to Washington. Mr. Davies did not ask the indorsement of the Montana bar on account of his having been here but a short time. A day or so ago he received a letter from President Cleveland informing him that his application had been submitted to Attorney General Garland, and his report on the application would be considered at the next cabinet meeting. As General Garland and Mr. Davies bore such flattering recommendations from the general there can be but o e report. Mr. Davies is a young man about 40 years of age, and if reports are true his chances to succeed Chief Justice McConnell are flattering.

PERSONAL.

Frank Ester, of Bozeman, is again in P. H. Clark, of Martinsdale, is a late arrival.

E. T. Furness, of Miles City, arrived yes-terday.

C. H. Clark, of St. Paul, is at the Mer Mrs. J. A. Harvey and wife came in

from Craig. John H. Elder, the Livingston attorney, is in the city.

Judge Jas. A. Dungivan returned to Butte last evening. D. D. Budd, of Butte, is again here or mining business

Judge J. C. Robinson came up from Deer Fietcher M. Burt, of Fort Logan, is at the Grand Central.

Mrs. J. Ross Clark is visiting her sister, Mrs. James Shields. J. J. D. Manville, of Colorado, is regis-tered at the Grand Central.

Geo. F. Flay, of New York city, is guest at the Grand Central. John R. Parks, of the Lee Mountain mine, arrived from Rimini yesterday. C. S. Henry, John W. and Geo. H. Stan-ton, Dr. R. H. Tait and Dr. W. G. Camp-bell, all of Great Falls, are at the Mer-chants.

Wm. Scallon, the Butte attorney, arrived from the smoky city. He states that Maguire,s opera house is once more in course of construction, the workmen having been paid their wages and assured they would hereafter be paid weekly.

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REPORTORIAL NOTES

Thomas Cassiday and Matilda Richards were granted a marriage licence yesterday. Both are of Helena.

Mrs. Matilda Aggens has been appointed guardian of the minor heirs of the estate of Henry Aggens deceased.

Operations on the Major Budd mine have been suspended owing to some entangle-ment among the "promoters."

The certificate of incorporation of the West Mining and Milling company with a capital stock of \$1,000,000 has been filed with the territorial secretary. The principal office is in Helena, with John Shaw, James E. Kelly, James Sea, A. A. Toreau, S. A. Balliet and J. M. Clements, trustees. City Marshal Hard yesterday levied an attachment on the tailor shop of Schiller, on lower Main street. This was done upon an order from "Uncle Sam," who alleges that Schiller owes him \$100. The latter party says the trouble will be settled today, as he claims the affair grew out of a misunderstanding.

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quickly done at this office.

Reserve your sleeping car berths for the St. Paul excursion at the Montana Central city ticket office.

A New Machine.

A new 500-light incandescent machine

THE KNIGHTS TEMPLAR.

Installation Ceremonies and Banquet of Helena Commandery Last Evening

The officers elect of Helena Commandery No. 2, Knights Templar, or as many of them as were able to be present (several being detained at home by sickness) were installed at the commandery asylum last evening by Eminent Grand Commander A. J. Fisk, in the presence of a fair sized company of Knights of that commandery and of visiting brethren. The ceremony was impressively conducted by the eminent grand commander, who installed the following Sir Knights in the posts designated: Charles W. Turner, eminent commander: E. D. Neill, captain-general; Samuel R. Douglass, senior warden; John Moffett, junior warden; T. L. West, standard bearer; W. D. Smith, sword bearer; John C. Major, sentinel.

At the conclusion of the ceremonies the the Helping Six Knights, accorded, their

At the conclusion of the ceremonies the the Helena Sir Knights escorted their guests to the banquet room, where a satisfying collation was served under the direction of B. W. S. Folk. When that had been disposed of Ewinent Grand Commander Fisk proposed a number of toasts, to which responses were made by Sir Knights E. G. Krooke, the oldest member of Helena commandery: A. C. Logan, grand Knights E. G. Brooke, the oldest member of Helena commandery; A. C. Logan, grand master of Montana; J. E. Saxton, member of the house of representatives for Meagher county; Fitzpatrick, of Leavenworth, Kas; William Thompson, member of the council for Silver Bow county; Judge C. Hedges and G. G. Martin, of Helena, and Tallent, of Butte. The affair was highly enjoyed by the Kulghts.

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Horses for Cincinnati.

Thos. J. Farcell, of the firm of Farrell & Varney, prominent horse-breeders and stock-growers of Madison county, arrived in the city last evening from Bozeman. From the latter place Mr. Farrell shipped a carload of horses to Cincinnati, which he nad just driven up from his farm on the Madison. These horses are heavy work animals, to be used for street car and other purposes. The gentleman reports that purposes. The gentleman reports that stock in his section are doing nicely, and not a pound of hay has been fed yet this winter. Along the banks of the Madison river no snow has yet fallen that interferes with grazing, and the weather is unusually

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Dr. G. A. Rawson

Makes a specialty of chronic diseases, Offices 105, 107, Grand street, 104, 196 Breckenridge street. Office hours 10 to 12 m. 2 to 4 and 7 to 8 p. m., Helena, Mont.

A good opportunity is afforded every one to take in the St. Paul Ice Carnival from Jan. 23 to Feb. 1. The Northern Pacific will have round trip tickets on sale Jan. 20. 23 and 26, good for ninety days. Price, \$40 for the round trip.

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SPECIAL NOTICES.

Byrup of Figs Cleanses the Bystem. Syrup of Figs is Pleasant and Effective. Use Syrup of Figs for Constipation.

Excelsior Lodge, No. 5, I. O. O. F.

A regular meeting of the above Lodge will be held this (Wednesday, evening at their Lodge room in this city at 7 o'clock. Brothers are cordially invited to attend Sojourning Brothers are coronary
D. J. WAIT, Secy.
CHAS M WILLIAMS, N. G.

THE

Success of the Scheme Assured IMPORTANT NOTICE:

How to Make Remittances:

Remit by Postal Note, Express, Money Order, New York or

Chicago Exchange or Draft.

PRICE OF TICKETS:

CLUB RATES:

Book of 5 Whole Tickets... Book of 10 Whole Tickets. Book of 25 Whole Tickets. Fifth Tickets, \$ | each. A person can order as many FIFTH TICKETS as they may desire, ALL OF DIFFERENT NUMBERS. Address all letters and remittances to

THE MONTANA INVESTMENT COMPANY,
Helena, Montany

REAL ESTATE BARGAINS

NOW READY.

Brooke Addition.

Call and See the Plat of this Choice Tract.

Porter, Muth &

UTAH ASSAY OFFICE

Chemical Laboratory.
J. T. GOVE,

Notice.

This is to notify the public that Wing Wah has purchased the entire interest of Lee Lung in the China wash bouse, No. 56 Clore street. Wing Wah has kept a first-class laundry in San Francisco, and guarantees the people of Helena good work and cheap prices.

TO REACH THE MASSES.

Advertisements will be inserted in this column for those desiring Help, seeking Situations, having Houses or Rooms for Rent, Real Estate for Sale, or other announcements, at the rate of FIFTEEN CENTS per line per insertion.

For Sale.

\$400 DOWN and \$50 per month will buy a new, well-built dwelling (one and a hair story Queen Anne cottage) containing a hail, living room, dining room, kitchen, two bedrooms (closets off each) pantry, sink, cel'ar, water; plumbed for water and gas; good woodshed and outbuildings, alley in rear of lot; locality desirable and improving, being in immediate vicinity of gas and water mains and sewerage. Price, \$2,700; intervet on deferred payments only 8 per cent. Incurance policy for \$1,500, h vving two and a half years to run will be assigned purchaser free of charge.

WALTER MATRIBSON & CO

FOR SALE-Bar fixtures, etc., and good will of place. Address X, Y. Z, this office.

HOR SALE—A single driving horse with bug-gy and harness at Clarke & Zeigier's stables. A RMITAGE & JACKMAN offer a bargain in four houses near N. P. Depot.

SEVERAL destrable houses for rent.

\$500 CASH secures a bargain on West Side.

OUSES and lots for eals in all parts of the \$500 CASH, balance in monthly fastallments buys a six-room house on East Side, ARMIT Go & Jackwan.

FOR SALE-Horses, Inquire at International FeR sals-A large pair of work horses. Ap-

HOR SALE-Bed room set and folding bed Enquire at this office. For Sout-Dwellings, Business Places , Etc

HOR RENT-Brick house, seven rooms, closeste plenty, good water. Address P., this

Rooms-Furnished and Unfurnished.

HURNISHED room for rent. No. 19 North

NICELY furnished rooms to rent at 44 Park

POR RENT-Large furnished room and a small one. Warmed by furnace, No. 19 south Rodney street. OUBLE room, furnished, and board, for two, at No. 3 Benton avenue.

N IUELY furnished rooms with or without

FURNISHED ROOMS-At Gerhouser block. HURNISHED ROOMS, 314 Clark street.

FURNISHED ROOMS-42 Be on avenue.

1 HB PACIFIC or Lenoir Fen s-Steam heat, elegant roome; 50, 75, \$1, \$21 s \$1.50 per day HARVEY HOUSE, Grand street, new and elegantly furnished rooms, single or in suits

Situations Offered.

CHANDLER wants places for five girls, all good cooks. Also five choppe s, \$1.25 a cord. Pay day every month.

WANTED—An overseer, or chief advertiser, and one to three assistants (according to size of county and population). \$65a month sairar, and expenses to overseers, and \$30 to assistants. No pedding, No soliciting. Duties confined to making collections, distributing printed matter, putting up advertisements, etc., or Electric Goods, Expenses advanced; salaries paid each month. Encose four cents postage for full specimen line of advertising matter to al. KCTRO

W E wish to employ a reliable man in your county. No experience required; permanent position for three years. Salary increased each year. Light, easy, geated business. Money advanced for salary, advertising, etc. Largest manufacturers in our line. End use 2-cent. No postals. Ceutennial MTg. Co., Cincinnati, O.

WANTED—An active agent to seil the "Arctic" door spring in all cities and counties. It is the latest improved and cheapest door spring in the market. Special inducements to responsible agents. Convecte & Haggars, patentees, Spokane Falls, W. T.

Situations Wanted.

Advertisements under this head will be in-serted three times free of charge.

WANTED—A situation by a thoroughly com-petent and experienced bookkeeper and situation. Best references given. Advises Box 6, Kiknorn, Mont.

A COMPETENT meat and pastry cook and bread baker desires positions Best references. Address Cook, Independent office.

RESS AND CLOAKMAKING wanted by first-class fitter and draper. 833 East Broad

Lost and Found.

LOST-A brown felt slipper. Return to Ralph Bickell, Room 4, Main School

FOUND-A small sum of money. Owner can have same by iden ifying. Call at this office OST-A case containing a pair of gold bowed spectacles. The finer will be suitably rewarded by leaving the same at this office.

OST-A certificate of deposit on more, Daiy & Co., for \$1,900, and one for \$70. I will pay reward of \$50 for their return to floge, Daiy & Co. Checks are valueless to anyone else. Peter Niven.

Miscellaneous.

WANTED—Second band cook stoves, heating stoves, furniture, carpete, etc., at No. 423 North Main street. "Cheap John."

W ANTED—The people to know the new sec-ond hand store, No. 422 North Main street buys and seells all kinds of goods, Cal. and see us. "Cheap John."

PAINTING, embroidery lava, plasteric clay Lessons 25 cents per hour. 29 souta Benton

G. H. SPENCER, manufacturer and dealer in lumber, lath and cordwood, office 45 and 49, Pacific hotel. Telephone 259.

IF YOU ARE LOOKING FOR A ROOM in any part of the city, call upon us and save lots of time and trouble. Witherbee & Hunter. W ANTED-Clean, cotton rage, for wiping, as INDEPENDENT press room.

WANTED—Houses to rent, furnished or un-furnished, any part of the city. Applica-tions for them daily. Witherbee & Hunter, rooms 3, 4 and 5, Gold Block.

WANTED-Rooms! Rooms! Rooms! Fur nished or unfurnished. Witherbee & Hunter, rooms 3, 4 and 5, Gold Block. ADIRS' gold watches, \$30; stemwinding all-ver watches, \$15; ten-mile field glass, \$10; articles of every description bought and sold money loaned, at New York Loan Office, Interna-tional Hotel Block

WANT COLUMN. Sands Bros.

Annual

EARING SALE!

HAS BEGUN AND IT MEANS THE LOWEST PRICES THAT HAVE EVER BEEN KNOWN IN HELENA.

Our Remnant Counter

Is a Great Feature of Attraction. It Consists of the Following Goods:

Remnants of Cashmeres.

HELENA.

Henrietta Cloth. Black Goods Wool Plaids.

" Fancy Dress Goods. Ladies Cloths. Faney Tricots. Broadcloths. Red Flannels. White Flannels. French Plaid Flannels.

" Twilled Flannels.

Remnants Plaid Dress Ginghams.
"Wash Goods,

Red Table Linnens. White Table Linens. Odd Lots Turkish Towels. Odd Lots Napkins. Remnants Sheeting. Muslin.

Carpets. Wall Paper.

The Prices Are for This Sale Only.

SANDS BROS.,

Sole Agents for the World-Renowned



Clothing for Ladies', Gents' and Children's Send for Illustrated Catalogue and Price. GANS & KLEIN, Helena Mont.

THE

tric Goode, Expenses advanced; salaries paid each month. Buciose four cents postage for full spectimen line of advertising matter to BLECTRO GALVANIC CO., Palace Building, Cincinnati, C. Ne attention paid to postal cards.

Will Commence a Great

MID-WINTER SALE

At the Conclusion of their Inventory.

Opportunity for Bargains

Such as Has Never Been Offered. NEW YORK DRY GOODS STORE. Corner Main and Bridge.

S. LANG &

Ranges, Stoves, Crockery, GLASSWARE AND HOUSE FURNISHING GOODS.

Cranite Iron, Copper and Tinware. Marbled Glassware, Palmetten Glassware,

Japanese China.

Bohemian Vases. Mush and Milk Sets. China Dinner Sets.

OPAQUE CHINA, DECORATED AND PLAIN. Haviland's China, Decorated and Plain,

Cups and Saucers, Salad Sets, ICE CREAM SETS, WINE SETS, ROCHESTER LAMPS. "Aurora" Quadruple Plated Silverware,

> THE BEST IN THE WORLD. Union Block.

H. BARNETT,

HIDES, FUR and WOOL,

HIGHEST CASH PRICES PAID. Children Cry for Pitcher's Castoria. | Warehouse opposite Northern Pacific Railroad depot, Helena.